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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MENGISTU, AMARE

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/211,942

Applicant(s)
Jim A. Larson et al

Examiner
AMARE MENGISTU

Art Unit
2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 27, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-16 and 18-27 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2673

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CAR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, *the "PDA having a wireless transmitter to transmit electronic voice signals to personal computer (PC), a wireless receiver to receive translated voice" in claim 4; "a microphone is located at a second end of the stylus"; in claims 18-21, "a storing electronic voice signals on the PDA", in claim 22; "a microphone built into the PDA" in claims 24-25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.*

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

Art Unit: 2673

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-6,8-15, 18-21, 23 -27, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Foladare et la* (5,894,595) *in view of* *Ohashi* (5,581,783).

As to claims 4-6,8-15,18-21,23-27 *Foladare et la* (hereinafter *Foladare*) discloses a PDA system (fig.1 (103)) comprising: mobile PDA (fig.2 (103) having a wireless transmitter and receiver to transmit and receive electronic voice signals to and from a personal computer (PC) (see, fig 1. (103,104), fig.2 (703,807), also see, col.1, lines 58-61, col.5, lines 34-42), a display (fig.2(131). *Foladare* did not explicitly disclose that the PC (104) having a speech recognition software. However, I would have been obvious for one skill in the art to have recognize that the *Foladare* 's PC (104) has to have a voice translation software to translate voice signals received from the PDA (103) and a PDA including a microphone (fig.2 (125), col.5, lines 18-20).

Foladare did not explicitly disclose a touch screen display and a stylus. However, the patent of *Ohashi* discloses a touch screen display (fig.3 (2), (21,22)), an input stylus composing: a computer processor (30 (CPU); a housing (fig.2) having a first end and a second end; a microphone (fig.2 (71)) located at the second end for receiving acoustical signals and to output electronic signals (col.5, lines 16-23); a transmitter (fig.2(16,18)) located in the housing for transmitting electronic voice signals received by the microphone to an external device (see, Abstract, col.2, lines 39-53); switches (figs.2 and 7 (14,17)) for activating and deactivating the microphone and the transmitter; the transmitter transmits the voice signal via wireless (fig.6a (18)). These switches are equivalent to applicant's single switch of *Ohashi* discloses a computer processor transmitter for transmitting

Art Unit: 2673

translated voice data (see, col.2, lines 39 - col.3, lines 21. and a switch circuit (fig.2(17)) for activating the transmitter, a microphone which is located at the second end of the stylus (fig.2(71)).

Ohashi teaches a display screen for producing input signals in response to a physical contact by stylus (see, Abstract, col.2, lines 39-53).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to use the stylus of *Ohashi* into the mobile personal digital assistance of *Foladare* because this will provide easy to carry with a greater mobility.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Foladare* in view of *Ohashi*. as applied to claim 1,3-6,8-15 above, and further in view of *Epperson* (5,247,137).

As to claim 7, *Foladare* (as modified by *Ohashi* clearly teaches a stylus, but failed to teach the stylus having a power supply. The patent of Epperson suggest that it conventional for a stylus to have a power supply (fig.1(5,6)).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have incorporated the power supply of *Epperson* into the stylus of *Foladare* (as modified by *Ohashi*), since this will allow the stylus of *Foladare* with a power source to ensure simplicity and higher efficiency of operation.

5. Claims 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ballantyne et al* (5,867,821) in view of *Ditzik* (5,983,073) and *Foladare et al* (5,894,595).

Art Unit: 2673

As to claims 16 and 22; *Ballantyne et al* (hereinafter *Ballantyne*) discloses a wireless communication between PC to PDA comprising: a wireless transmitting by a stylus to the PC from a PDA (fig.1 (PDA "10" to PCS; fig. 6 (stylus "104"; PDA "100" to PC)); wireless transmitting from the PC to PDA (see, fig.1 "PCS to PDA). *Ballantyne* also teaches that it is well known for PCS to have a voice recognition software (col.11, lines 45-55). *Ballantyne* did not disclose the voice communication between the PDA to PC and translating the voice to text and displaying the text on the PDA. The Patent of *Ditzik* is cited to teach that it is well known for PCS and PDA to have a bi-directional communication of voice, audio, text, graphics, image and/or video data (col.2, lines 51-65).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the audio and text communication system of *Ditzik's* into the device of *Ballantyne*, because this will provide the system of *Ballantyne* to have more capabilities to communicate with varies communication devices.

Ballantyne as modified by *Ditsik* discloses communicating between PDA and PC, but has failed to teach storing the voice data on the PDA. *Foladare* is cited to teach that it is well known to store voice data in the PDA (see, fig.2 (231) regardless the stylus location from the PC.

Therefore it wold have been obvious to one skill in the art at the time of the invention was made to have used the storage system of *Foladare* into the device of *Ballantyne* because this will allow the device to store the information for future reference.

Art Unit: 2673

Allowable Subject Matter

6. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 4-127 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be

Art Unit: 2673

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. *Any inquiry concerning this communication should be directed to Amare Mengistu at telephone number (703) 305-4880.*

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 , (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

A. Mengistu

Art unit 2673

Nov. 4, 2002

Application/Control Number: 09/211,942

Page 8

Art Unit: 2673


Amare Mengistu
Primary Examiner